

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS
RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE
500 W. CAPITOL, ROOM D444
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Re: *Hill v. Wyeth*, 4:05-CV-00546
Thematic Clips (FED. R. EVID. 106 and FED. R. EVID. 603)
Prempro Users

Dear Counsel:

1. Thematic Clips -- I have continued to wrestle with the thematic clip issue. I recall Irving Younger telling a story about the preacher who was being churched¹ because someone quoted him as saying "There is no God." The quoter failed to note the next phrase, "sayeth the fool." Younger used this story to emphasize the importance of the "Doctrine of Completeness." I think Professor McCormick may use this example too.

¹For those of you who do not understand Southern Baptist, this means they were kicking him out of the church.

I am satisfied that Defendants should be able to put in short portions of the deposition immediately following the quote from the deposition relied upon by Plaintiff's expert during his/her testimony.

I have not thoroughly examined the record, so I don't know exactly when (or what) Defendants' snippets should be included.

This is really a rule of reason and common sense, and I cannot come up with the proper mechanics. As an example, would Defendants' additional excerpt be introduced by the defense lawyer during the thematic clip?

Unless Plaintiff can satisfy me that the thematic clip can be used and accommodate Defendants' 106 rights, I'm disinclined to allow them. In other words, at this point Plaintiff is behind the eight ball.

Plaintiff's counsel should write me forthwith if they think they have a solution that will ease my unquiet mind on this point.

2. Prempro Users -- After much reflection I am much inclined to excuse current Prempro users. And I am inclined not to voir dire them because it is so likely that I will excuse them, that I think it would not be productive to use up time on voir dire of these particular individuals.

My mind is still charged with the issue of spouses, children, and mothers.

Cordially,

/s/ Wm. R. Wilson, Jr.

(Dictated over the phone by Judge Wilson)

Original to the Clerk of the Court

cc: The Honorable Henry L. Jones, Jr.
Other Counsel of Record